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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,480	04/15/2004	Han Jun Sung	1594.1365	6490
21171	7590	10/06/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			PAIK, SANG YEOP	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/824,480

Applicant(s)

SUNG ET AL.

Examiner

Sang Y. Paik

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6, 14 and 15 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 9-13 and 16-23 is/are rejected.
- 7) ☒ Claim(s) 3, 7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/7/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Epperson et al (US 3,745,3030).

Epperson shows the cooker claimed including an outer casing (20), an inner casing (26), a heating unit (34) mounted to the inner casing, a grill unit (42) seat on the open top of the outer casing, and a frame (62) placed along the upper edges of the inner casing and the outer casing. Epperson further shows a housing (12) having a recess into which the cooker is seated therein. the outer casing further includes the wires provided between the inner and outer casing to the contact terminal or box (70) to supply the electricity to the heating unit.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epperson et al (US 3,745,303) in view of Persinger et al (US 2,996,597).

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Epperson shows the cooker claimed including a housing (12) having a recess into which the cooker is seated therein. However, Epperson does not show a heat reflecting plate provided on a side of the casing and supporting the heating unit.

Persinger shows a heat reflector plate (52G) with a heating unit supported thereon, and Persinger further shows that the reflector plate is attached to the casing with bolts that are provided through holes of the reflector plate.

In view of Persinger, it would have been obvious to one of ordinary skill in the art to adapt Epperson with a heat reflector plate to direct the heat radiation from the heater unit toward the heating surface.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epperson in view of Persinger as applied to claims 4, 18, and 22 above, and further in view of Hawes (US 2,948,773) or Weber (US 2,542,442).

Epperson in view of Persinger shows the cooker claimed except the claimed elastic piece fitted over the projection at the back surface.

Hawes and Weber show an elastic piece provided at the surface of a mount wall that securely attaches and insulates a projection such as an electrical terminal or tube that goes through the wall.

In view of Hawes or Weber, it would have been obvious to one of ordinary skill in the art to adapt Epperson, as modified by Persinger, with an elastic piece provided at the back surface of the heat reflecting plate to more securely attach and insulate the projecting end portion of the heating unit (51 of Persinger) which goes through the back side of the heat reflecting plate.

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6. Claims 9, 11, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epperson in view of Persinger as applied to claims 4, 18, and 22 above, and further in view of Nouveleot et al (US 5,603,255) or Higgins (US 5,176,067).

Epperson in view of Persinger shows the cooker claimed except a grease collecting/heat reflecting unit.

Nouveleot or Higgins shows that it is well known in the art to provide a grill with a grease collecting pan to receive and collect the food grease or drippings. With respect to claim 11, Persinger further shows the grease collecting pan (74) that has the peripheral edges that can be used as the handles for the user to move the pan in a vertical direction to put the pan in and out of the casing.

In view of Nouveleot or Higgins, it would have been obvious to one of ordinary skill in the art to adapt Epperson, as modified by Persinger, with a grease collecting pan to better receive and contain the food grease or drippings to prevent mess and the grease pan would have been capable of reflecting heat as it is done with the claimed device.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epperson in view of Persinger, Nouveleot and Higgins as applied to claims 9, 11, and 23 above, and further in view of Dellrud et al (US 4,850,333).

Epperson in view of Persinger, Nouveleot and Higgins shows the cooker claimed except providing water to the grease collecting unit.

Dellrud shows a grease collecting unit with water contained therein. It would have been obvious to one of ordinary skill in the art to adapt Epperson, as modified by Persinger, Nouveleot

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and Higgins, with the grease collecting unit with water contained therein to prevent further burning of the food grease.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epperson et al (US 3,745,303) in view of Hennick (US 5,189,945) or Wardell (US 6,431,164).

Epperson shows the cooker claimed except the claimed grilling pipes.

Hennick and Wardell show that it is well known in the art to having a grill with a plurality of grill pipes with water communicated in the grill pipes. Hennick and Wardell show that such grill pipes are easy to clean.

In view of Hennick or Wardell, it would have been obvious to one of ordinary skill in the art to adapt Epperson with the claimed grill pipes so that the grill can be easily cleaned after cooking.

9. Claims 13, 17, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epperson in view of Persinger as applied to claims 4, 18, and 22 above, and further in view of Pickering et al (US 6,399,925) or White (US 4,431,892).

Epperson in view of Persinger shows the apparatus claimed except the outer casing having a contact terminal and the second contact terminal provided in the recess of the housing.

Epperson shows that the outer casing includes the wires provided between the inner and outer casing with the wires further connected to a contact terminal or junction box (70) to supply the electricity to the heating unit. Pickering or White shows that it is well known in the art to provide a first male terminal provided on the outer casing of a modular cooker which is inserted into a recess of a housing having a female second contact to engage with the first terminal to provide power to the heating unit.

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In view of Pickering or White, it would have been obvious to one of ordinary skill in the art to adapt Epperson, as modified by Persinger, with the claimed first and second contact terminals to conveniently provide for the power supply to the heating unit.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epperson et al (US 3,745,303) in view of Joseph (US 2,903,549).

Epperson shows the cooker claimed except the claimed legs.

Joseph shows an inner casing with support members 33 extending from the bottom of the inner casing to the bottom of the outer casing.

In view of Joseph, it would have been obvious to one of ordinary skill in the art to adapt Epperson with the leg extending downwardly from the inner casing to the bottom of the outer casing to further ensure a space is created thereto so that the heating unit is further insulated from the outer casing and to more conveniently allow connecting wires to pass there-through.

#### ***Allowable Subject Matter***

11. Claims 3, 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 6, 14 and 15 are allowed.

#### ***Response to Arguments***

13. Applicant's arguments filed 6/19/06 have been fully considered but they are not persuasive. The applicant argues the metallic member 62 is not shown as being placed along an upper edges of the inner casing and the outer casing, and the element is not shown to be placed along an upper edge of the housing 26. This argument is not deemed persuasive since the upper

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edge of the housing where the metallic member contacts can be considered as the upper edge of the housing. There is no reason why this portion of the housing 26 would not be considered as an upper edge. Thus, the applicant's argument is not deemed persuasive.

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y. Paik whose telephone number is 571-272-4783. The examiner can normally be reached on M-F (9:00-4:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sang Y Paik  
Primary Examiner  
Art Unit 3742

syp